

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

RUDY STANKO,	)	
	)	
Plaintiff,	)	
v.	)	No. 2:10-cv-112-WTL-DML
	)	
HARLEY LAPPIN, et al.,	)	
	)	
Defendants.	)	

ENTRY

The plaintiff's motion for reconsideration (dkt 28) is directed to the Entry of July 1, 2010, denying his request that the assigned Article III judge recuse himself and is laden with a smattering of orders issued by the same judge in cases assigned to his docket.

The orders just referenced do not appear to involve the plaintiff in this case or even claims similar to those he apparently asserts. The orders just referenced provide no greater basis for recusal than did the plaintiff's earlier assertion based on the rulings in this case that the undersigned is biased. There is a general presumption that a court acts according to the law and not personal bias or prejudice. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975). It has been held, not surprisingly, that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Such rulings are proper grounds for appeal, not for recusal. *Id.* "Bias cannot be inferred from a mere pattern of rulings by a judicial officer, but requires evidence that the officer had it 'in' for the party for reasons unrelated to the officer's views of the law, erroneous as that view might be". *McLaughlin v. Union Oil Co. of Calif.*, 869 F.2d 1039, 1047 (7th Cir. 1989). Conclusions, opinions, or rumors are not sufficient. *United States v. Sykes*, 7 F.3d 1331, 1339 (7th Cir. 1993) (citing *United States v. Balistreri*, 779 F.2d 1191, 1199 (7th Cir. 1985)). A decision adverse to a party --even one adverse on all of the issues raised--is not evidence of bias where that decision is supported by the law and facts, as is the case here. See *Gleason v. Welborn*, 42 F.3d 1107, 1112 (7th Cir. 1994).

Based on the foregoing, therefore, the plaintiff's motion for reconsideration (dkt 28) is **denied**.

**IT IS SO ORDERED.**

Date: 07/26/2010



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

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